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2 JAY W. BROWN, ESQ. BAR#: 176079
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5 Attorneys for Defendants
6 OPERATION DIGNITY, INC., ALEX McELREE, WILLIAM KENNEDY,
AND LINDA GRIFFIN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11 MARK ANTOINE FOSTER,
12 Plaintiff,
13 v.
14 OPERATION DIGNITY, INC., a
15 California Non-Profit corporation, ALEX
16 McELREE, an individual, WILLIAM
17 KENNEDY, an individual, LINDA
GRiffin,
Defendants.

CASE NO.: C075030 MMC

**[PROPOSED] ORDER IN SUPPORT OF
MOTION TO DISMISS, OR IN THE
ALTERNATIVE, STAY FEDERAL
ACTION**

Date: January 11, 2008
Time: 9:00 a.m.
Courtroom 7, 19th Floor

20 The Court having considered the written motion of defendants Operation Dignity, Alex
21 McElree, Linda Griffith, and William Kennedy, for an order to dismiss or, in the alternative, stay, the
22 above referenced action filed by plaintiff Mark Foster, argument thereon, and all documents relating
23 thereto:

24 IT IS THEREBY ORDERED that this matter is dismissed/stayed pending outcome of Foster
25 v. Operation Dignity, Inc., a California Non-Profit corporation, ALEX McELREE, an individual,
26 WILLIAM KENNEDY, an individual, LINDA GRIFFITH, an individual (Alameda County Case No.
27 RG06302322) based upon the doctrine set forth in Colorado River v. United States, 424 U.S. 800.
28 The grounds for the dismissal/stay of this action is based upon the fact that these two matters arise out

1 of the identical set of facts and involve identical parties arising out of Foster's tenancy at 2300
2 Moonlight Terrace, Alameda, California.

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4 DATED: _____

Maxine M. Chesney
United States District Judge

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1 **Foster v. Operation Dignity, Inc., a California Non-Profit Corp et al.**
2 U.S.D.C., Northern Dist. OF California, C075030 MMC

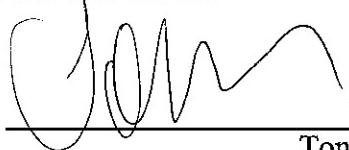
3 **PROOF OF SERVICE**

4 I hereby certify that I sent by regular U.S. Mail, the following:

5 DEFENDANTS' NOTICE OF MOTION TO DISMISS, OR IN THE
6 ALTERNATIVE, TO STAY; DECLARATION OF JAY W. BROWN AND
7 EXHIBITS "A" - "D" ATTACHED THERETO; [PROPOSED] ORDER IN
8 SUPPORT THEREOF

9 Mark Antoine Foster In Pro Per
10 725 Ellis Street, #408
11 San Francisco, CA 94109

12 Executed on December 3, 2007 at Pleasanton, California. I declare under penalty of perjury
13 under the laws of the State of California that the foregoing is true and correct.

14 
15 Tonyia Neves